

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JOSEPH MICHAEL GUARASCIO,

Plaintiff,

vs.

FEDERAL BUREAU OF INVESTIGATION,
OFFICE OF INFORMATION POLICY;
U.S. DEPT. OF JUSTICE,
ATTORNEY GENERAL,

Defendant Respondents.

Case: 1:18-cv-02791

Assigned To : Cooper, Christopher R.

Assign. Date : 11/29/2018

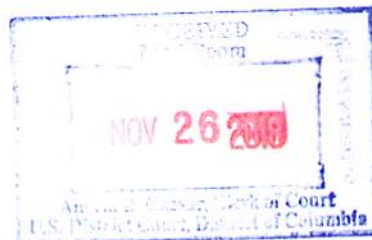
Description: FOIA (I-DECK)

AFFIDAVIT OF PLAINTIFF

Joseph Michael Guarascio, Plaintiff Affiant herein, deposes and states the following:

1. "My name is Joseph Michael Guarascio. I am 54 years of age and am currently incarcerated at the Federal Medical Center in Fort Worth, Texas.
2. "On or about August 13, 2009, while confined in the Brunswick County Jail in Brunswick County, North Carolina, I received an attorney visit from my court-appointed counsel, Mark Edwards (hereinafter "Edwards").
3. "Edwards had brought with him a copy of a proposed plea agreement he asked me to review and execute.
4. "After reviewing the agreement I refused to agree to its terms, and Edwards advised me to make whatever changes I wanted in order to make the agreement acceptable to me and to initial each change.
5. "We went over each change as I made them, and Edwards assured me that they would be acceptable to the Government.
6. "Edwards told me he would let me know if any of the changes were not accepted by the Government and that he would send me a copy of the agreement once he got back to his office.
7. "After making the changes I signed and dated the last page (page 7) of the document, and Edwards left.

(1)



PX-1

8. "After returning to my jail cell I had second thoughts about pleading guilty because my girlfriend had been over the age of consent, and I did not feel either of us had done anything wrong or illegal. Based on those facts, I wrote to Edwards and admonished him from forwarding the contract to the prosecutor - that I wanted to proceed to trial.

9. "The following week I received a letter from Edwards in response telling me that he hoped I was prepared to spend the rest of my life in prison.

10. "Based on Edwards' letter, I was scared to the point that I agreed to plead guilty even though I did not believe I was in fact so.

11. "The Plea Agreement on file with the District Court in North Carolina does not reflect any of the revisions I made on August 13, 2009. That is to say that the first five pages of the Plea Agreement are not the pages that were authorized by me to be filed with the Court in association with my agreed to terms.

12. "There was no waiver of my FOIA rights in the Plea Agreement I executed in connection with my criminal case out of the U.S. District Court for the Eastern District of North Carolina, Southern Division."

Executed, subscribed, and sworn to under penalty of perjury as provided by 28 U.S.C. § 1746 on this 24 day of August, 2018.



JOSEPH MICHAEL GUARASCIO
Reg. No. 70537-056
Federal Medical Center
P.O. Box 15330
Fort Worth, Texas 76119-0330

Plaintiff Affiant